

HOUSE BILL REPORT

HB 1660

As Reported by House Committee On:
Juvenile Justice & Family Law

Title: An act relating to the definition of "at-risk youth".

Brief Description: Expanding the definition of "at-risk youth."

Sponsors: Representatives Moeller, Tom, Hasegawa, Ericks, Lantz, Flannigan, Appleton, Roberts, Curtis, Hunt, Green, Chase, Lovick, Orcutt, Morrell, Cody, McCune, Williams, Schual-Berke, Dickerson and Simpson.

Brief History:

Committee Activity:

Juvenile Justice & Family Law: 2/8/05, 2/16/05 [DPS].

Brief Summary of Substitute Bill

- Expands the definition of an "at-risk youth" to include a youth with a possible substance abuse or mental health problem.

HOUSE COMMITTEE ON JUVENILE JUSTICE & FAMILY LAW

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Dickerson, Chair; Moeller, Vice Chair; McDonald, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Crouse, Lovick and Roberts.

Staff: Sonja Hallum (786-7092).

Background:

An at-risk youth (ARY) petition is a process by which a parent may request and receive assistance from the juvenile court to provide appropriate care, treatment, and supervision of an at-risk youth. An at-risk youth is defined as a juvenile:

- (1) who is absent from home for at least 72 hours;
- (2) who is beyond the parents' control such that the juvenile's behavior endangers health, safety, or welfare of the juvenile or any other person; or
- (3) who has a substance abuse problem but no pending criminal charges pertaining to the substance abuse.

When a proper ARY petition is filed, the court must schedule a fact-finding hearing. The court may approve or dismiss the ARY petition at the fact-finding hearing, and may order that the child reside either in the parents' home or in an out-of-home placement.

If the court approves the petition, the court will enter a dispositional order to assist the parents in maintaining care, custody, and control of the child and assist the family in resolving conflicts. The court order may include:

- (1) regular school attendance;
- (2) counseling;
- (3) participation in a substance abuse or mental health outpatient treatment program;
- (4) reporting on a regular basis to the Department of Social and Health Services or any other designated person or agency; and
- (5) any other condition the court deems appropriate including employment, participation in an anger management program, or refraining from the use of drugs or alcohol.

The dispositional order may not include involuntary commitment of a child for substance abuse or mental health treatment.

The court must hold a review hearing within 90 days of the entry of the dispositional hearing to continue or discontinue court supervision. If the court determines it is necessary for the petition to continue, the court may continue the petition for up to 180 additional days. If the court determines the petition is no longer needed, the court may dismiss the petition. The court may also dismiss an ARY proceeding at any time if circumstances warrant it or if the child becomes the subject of a dependency action.

Summary of Substitute Bill:

The definition of an "at-risk youth" is expanded to include youth with a possible substance abuse or mental health problem. The expanded definition of an at-risk youth includes a juvenile:

- (1) who is absent from home for at least 72 hours;
- (2) who is beyond the parents' control such that the juvenile's behavior endangers health, safety, or welfare of the juvenile or any other person; or
- (3) who has a *possible* substance abuse *or mental health* problem but no pending criminal charges pertaining to the *possible* substance abuse *or mental health* problem.

Substitute Bill Compared to Original Bill:

The substitute changes the definition of an "at-risk youth" to include a youth with a possible substance abuse or mental health problem.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (In support of original bill) Often substance abuse and mental health issues are related. If a parent can't deal with the mental health issues they may miss the opportunity to intervene and prevent future criminal behavior. The current definition doesn't expressly deal with mental health issues. This bill is trying to improve the existing process. It may give parents another avenue to deal with their children who have mental health problems without having to send them out-of-state.

Testimony Against: Kids need help, but this bill is too vague. Mental health can be a broad range of problems. A court can now consider a mental health problem if it fits into one of the existing parts of the definition. In these proceedings a child can end up in detention and mental illness should not lead to incarceration.

Persons Testifying: (In support of original bill) Laurie Lippold, Children's Home Society.

(Opposed) Bob Boruchowitz, Washington Defender Association.

Persons Signed In To Testify But Not Testifying: None.